



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 19, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Sacks followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Thnay, McKillop, Bogue, Thnay, Zermefio
CHAIRPERSON: Sacks
Absent: COMMISSIONER: Lavelle, Peixoto

Staff Members Present: Anderly, Bauman, Conneely, Emura, Patenaude, Lens, Macias

General Public Present: Two

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

Chair Sacks announced that owner, John Kim, regarding item 3, asked that the item be continued to June 9.

1. Review of the Recommended Five-Year Capital Improvement Program (Fiscal Years 2005-2006 Through 2009-2010) for Conformity with the General Plan

Staff report submitted by Planning Manager Anderly, dated May 19, 2005, was filed.

Deputy Director of Public Works Bauman presented a brief overview of the Recommended Five-Year Capital Improvement in the City's General Plan and noted that the Planning Commission had the opportunity to review the entire recommended CIP at a work session held on May 12.

Having no comments from Commissioners and no public input, Chair Sacks opened and closed the public hearing at 7:37 p.m.

Commissioner McKillop, thanked staff for a well done presentation and moved the item. Commissioner Bogue seconded the item.

Commissioner Thnay thanked Mr. Bauman for an excellent presentation and noted that with the available funding allocated for street projects and for the City's Gateway project, we can enhance and improve the City's image.

Chair Sacks thanked Mr. Bauman and staff for a well done and understandable package of information.

Commissioner Zermeño thanked staff for the presentation and mentioned that the report helps him understand the City better.

Deputy Director of Public Works Bauman mentioned that once the document is approved by Council, it will be also available on the City's website.

Commissioner McKillop moved, seconded by Commissioner Bogue, and approved with Commissioners Lavelle and Peixoto absent, to accept that the proposed Capital Improvement Program is consistent with the City's General Plan.

AYES: COMMISSIONERS McKillop, Thnay, Bogue, Zermeño
CHAIR Sacks
NOES: COMMISSIONERS None
ABSENT: COMMISSIONER Lavelle, Peixoto
ABSTAIN: COMMISSIONER None

Planning Director Anderly reminded Chair Sacks that given the number of commissioners present, the approval of the variance would require at least four yes votes. Chair Sacks asked the applicant, Ryan Akin, if he wanted to proceed. Mr. Akin gave his consent.

2. Variance No. PL-2005-0124 – Ryan Akin (Applicant/Owner) – Request to Allow a Bedroom Addition With a One-Car Carport and an Uncovered Parking Space Where a Two-Car Garage is Required - The Project is Located at 1090 Highland Boulevard

Staff report submitted by Associate Planner Emura, dated May 19, 2005, was filed.

Associate Planner Emura made the report and answered questions from Commissioners.

Planning Manager Anderly added that when the Zoning Ordinance was adopted it, required that a two-car garage be added when adding a bedroom or substantially expanding the size of the house. The intent was to have adequate off-street parking.

In response to Commissioner Zermeño's question if the new carport would extend two feet into the street, Associate Planner Emura responded that the Zoning Ordinance allows for garages to be set back 5-feet from the front property line when located on slopping sites. In order to accommodate a two-car carport, the applicant would have to remove the existing retaining wall and build another retaining wall to push the carport further in so that it complies with the setback requirements for a new carport.

Commissioner Thnay, referring to the poles that sustain the carport, agreed that a garage would block the view. He asked staff for alternatives to the poles, such as landscaped trellises that give a more natural looking appearance.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 19, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Chair Sacks opened the public hearing at 7:53 p.m.

Ryan Akin, property owner, addressed the commissioners and expressed that he would like his property to conform with those in his neighborhood. He mentioned that his neighbors do not have garages or carports. Mr. Akin mentioned that he plans on redoing the driveway, repaving, and putting a fence up similar to his next door neighbors' fence. He showed a picture of his neighbor to the west of his property which does not have a carport and mentioned that he prefers not to build a carport.

Chair Sacks closed the public hearing at 7:57 p.m.

In response to Commissioner McKillop's request for clarification on condition 5, Principal Planner Patenaude mentioned that the carport that staff is recommending for this property complies with the Zoning Ordinance. He mentioned that prior to the meeting the applicant indicated that he would adhere to the recommendation.

Commissioner Thnay asked staff about other reasons for the recommendation besides the preferred City's position and the conformance with Zoning Ordinance. Principal Planner Patenaude mentioned that the recommendation would be close to the standards in the Zoning Ordinance and would be more consistent with the character of the neighborhood and outside of the public right-of-way.

Commissioner Thnay mentioned that condition # 5 is a good compromise and thus moved the item. It was seconded by Commissioner Bogue.

Commissioner McKillop agreed with the need for parking area for two cars but expressed that she would not support the motion if it included a carport. She preferred the openness to maintain the view.

In response to Commissioner Zermeño's question about the retaining walls, Principal Planner Patenaude mentioned that in order to accommodate a two-car carport, the retaining walls would have to be relocated.

Commissioner Thnay mentioned that Highland Boulevard, with a 60 foot right-of-way, has plenty of right- of-way, and asked for the rationale. Principal Planer Patenaude mentioned that to accommodate a two-car carport with the appropriate setback, the retaining wall would have to be relocated.

Chair Sacks clarified that regardless of a carport or parking space, the retaining wall would have to be moved in order to make space and keep it out of the public right-of-way.

Commissioner McKillop mentioned that she is familiar with this narrow street and she feels strong against the carport because it will make it more restrictive and confined. She proposed a friendly

amendment regarding condition #5. She would like for the language to be changed from, “a new two-car carport” to “a new two-car parking space”.

Since Commissioner Thnay did not accept the friendly amendment, Commissioner McKillop then made a substitute motion, which was seconded by Commissioner Zermeño.

In response to Commissioner Zermeño’s question concerning a possible change of mind of the structure by the applicant or other parties, Principal Planner Patenaude mentioned that the applicant can come back and build a carport conforming to the Zoning Ordinance requirements.

In response to Commissioner Bogue’s inquiry about the need for a plan review of the structure, Principal Planner Patenaude answered that the Zoning Ordinance permits for a garage or carport to be built within 5-feet of the right-of-way. As long as the structure meets the guidelines, a site plan review would not be required.

Commissioner Thnay expressed that he would like to see the area enhanced with arbors and that a concrete stall would not be enough. Planning Manager Anderly mentioned that it would be appropriate to require landscaping. Associate Planner Emura mentioned that conditions #8 and #9 address the issue of landscaping and public right-of-way.

Chair Sacks spoke in favor of the substitute motion because she believes that putting any structure there would cause a sense of closing or shutting down views.

Commissioner Thnay asked for a friendly amendment that would include a landscaping plan to the satisfaction of the City.

Planning Manager Anderly mentioned that the motion that the commissioners were voting on included two parking stalls outside the right-of-way, a landscape plan that enhances the area, and consensus to work with the applicant to develop an attractive paved surface.

Commissioner McKillop moved, seconded by Commissioner Zermeño, and approved with Commissioners Lavelle and Peixoto absent, to accept that the proposed project is Categorical Exempt from the California Environmental Quality Act CEQA review, pursuant to Section 15305, Class 5a, Minor Alterations in Land Use Limitations and approve the variance application subject to the findings and conditions of approval with an exception to condition #5 and change the language from a carport to a space.

AYES:	COMMISSIONERS Thnay, McKillop, Bogue, Zermeño CHAIR Sacks
NOES:	COMMISSIONERS None
ABSENT:	COMMISSIONER Lavelle and Peixoto
ABSTAIN:	COMMISSIONER None



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 19, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

3. Use Permit No. PL-2005-0123 – Ken Johnson (Applicant) / John Kim (Owner) – Request to Operate a Payday Loan Facility – The Project is Located at 24457 Mission Boulevard

Chair Sacks announced that the owner requested to have the item continued to June 9.

ADDITIONAL MATTERS

4. Oral Reports on Planning and Zoning Matters

Planning Manager Anderly noted that proposed changes to two ordinances would be coming before the Commission. She informed about two ordinance changes: one about tandem parking outside downtown and another regarding density bonus, which State law requires. She also announced an upcoming discussion on new Olson housing.

Planning Manager Anderly announced that the next regular meeting will be on June 9 and a work session on a Density Bonus Ordinance scheduled for June 23.

5. Commissioners' Announcements, Referrals

Commissioner Bogue mentioned that he attended the open house at the PD on Saturday, which had a good turn out of volunteers. There were lines to get on a tour to see the jail and there were demonstrations made by police dogs and response units. Chair Sacks echoed the comments made by Commissioner Bogue.

APPROVAL OF MINUTES

There were no minutes to approve.

ADJOURNMENT

Chair Sacks adjourned the meeting at 8:23 p.m.

APPROVED:

Julie McKillop, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary